

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 2:06-CR-218-MHT
)	
GEORGE HOEY MORRIS)	
aka JOHNNY RAY FORTUNE)	

RESPONSE TO MOTION IN LIMINE

Comes now the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and respectfully responds to defendant's Motion In Limine, and offers the following:

1. On or about October 18, 2006, the government filed a motion asking the Court to allow it to provide information to the jury in the above-styled case regarding other crimes, wrongs and acts committed by the defendant.(Doc. 11.)

2. The government hereby requests to adopt and incorporate that motion, in full, as part of the present response.

3. The government avers that it does not intend to offer in its case-in-chief evidence of the defendant's prior conviction for Sale of Cocaine or Felon in Possession of a Firearm, nor does the government intend to offer in its case-in-chief the draft of the defendant's book entitled "Homeland Insecurity", or any information relating to the websites owned and operated by the defendant, barring any statement that might be made in opening statement to the jurors by the defense that implies, suggests or states, lack of knowledge of or lack of responsibility for or denial of any of the above-mentioned.

4. The government also will not offer in its case-in-chief any testimony or statements regarding any pending non-adjudicated criminal case(s) against the defendant.

5. The government believes that the convictions for Transportation for Illegal Sexual Activity, which incorporate criminal sexual activity with T.P., a fifteen year-old Vietnamese girl, may be offered to show intent, knowledge, preparation, plan, identity, absence of mistake or accident, and motive for the current charge of Passport Fraud.

6. That the book, “Flashback”, authored by the defendant, in its opening pages and throughout, is a confession of the crime charged, proof of intent, identity, knowledge and offers a motive for the commission of the offense. The defendant makes statements such as:

“The author...returned there... in 1989 when he flew a light plane into the communist nation without a visa....After he was arrested and deported three times...Vietnamese officials made it impossible for him to return...Despite this, the author discovered a way to circumvent these restrictions... he obtained false identity paper.”, “Flashback”, p.6.

“Mr. Morris by now was unable to obtain a visa to enter Vietnam because he had been arrested in that country four times. After three attempts and three subsequent letters of rejection, he developed another plan. He obtained a valid passport and driver’s license in another name...By using this material he was able to circumvent the computers and obtained a visa to Vietnam...” “Flashback”, p.8.

7. That the book, “VirginBrides.Net”, is according to the defendant/author, “a guidebook.” in which the defendant/author explains, “...where the virgins are, how to find them and how to bring them home.” “VirginBrides.Net”, p.4. The government contends that this book, and/or testimony regarding the book and its contents, may be offered to show intent, knowledge, preparation, plan, identity, absence of mistake or accident, and motive for the current charge of Passport Fraud.

8. The government contends that the probative nature of the convictions involving T.P. as the victim, “Flashback”, and “VirginBrides.Net” far outweigh any prejudice to the defendant.

9. Finally, the government believes that this Honorable Court can fashion a means by which the government may introduce to the jurors the information it has herein discussed, without undue prejudice accruing to the defendant.

Based on the foregoing, the government requests that the defendant's Motion in Limine be denied.

Respectfully submitted, this the 26th day of October, 2006.

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CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

J. Carlton Taylor.

Respectfully submitted,

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